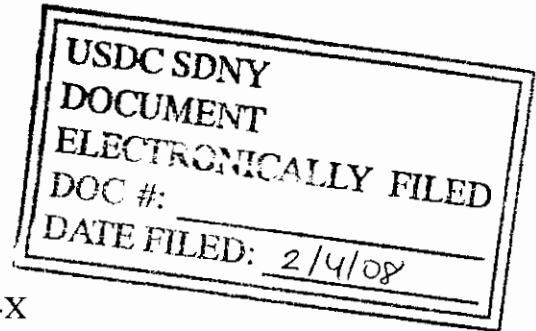


GORLICK, KRAVITZ & LISTHAUS, P.C.
Michael J. Vollbrecht, Esq.
17 State Street, 4th Floor
New York, New York 10004-1501
(212) 269-2500

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
MASON TENDERS DISTRICT COUNCIL
WELFARE FUND, PENSION FUND, ANNUITY
FUND, and TRAINING PROGRAM FUND, and
JOHN J. VIRGA, in his fiduciary capacity as Director,

Plaintiffs,

-against-

SHROID CONSTRUCTION INC.
and MICHAEL MCGARRY,

Defendants.
-----X

07 Civ. 9298 (DLC)

ORDER TO SHOW CAUSE
FOR JUDGMENT BY
DEFAULT AS TO SHROID
CONSTRUCTION INC.

Upon the annexed Affidavits of Michael J. Vollbrecht, Esq., Michael S. Adler, Esq., and Michelle Stein-Berman sworn to January 31, 2008, and exhibits annexed thereto, submitted herewith, and upon all the papers and proceedings heretofore had herein, it is

ORDERED that defendant SHROID CONSTRUCTION INC. show cause before the Honorable Denise L. Cote, U.S.D.J., at the United States Courthouse, 500 Pearl Street, New York, New York, in Courtroom 12A, on February 29, 2008, at 12:00 p.m. or as soon thereafter as counsel can be heard, why judgment by default should not be entered in favor of plaintiff MASON TENDERS DISTRICT COUNCIL WELFARE FUND ("PLAINTIFF"), as collecting agent for plaintiffs MASON TENDERS DISTRICT COUNCIL WELFARE FUND, PENSION FUND, ANNUITY FUND, and TRAINING PROGRAM FUND and JOHN J. VIRGA, in his fiduciary capacity as Director ("FUNDS") and against defendant SHROID CONSTRUCTION INC. in the

liquidated amount of \$540,191.15, which amount includes unpaid fringe benefits principal, statutory damages, interest on unpaid fringe benefits principal, unpaid dues checkoffs principal, unpaid Political Action Committee ("PAC") principal, interest on unpaid dues checkoffs principal, interest on unpaid PAC principal, imputed audit costs, costs, and attorneys' fees; and for such order and further relief as may be appropriate; and it is further

ORDERED that defendant SHROID CONSTRUCTION INC. show cause why a judgment should not be entered obligating that defendant SHROID CONSTRUCTION INC. permit and cooperate in the conduct of an audit of defendant SHROID CONSTRUCTION INC.'s books and records for the period May 4, 2004 to the present, for the purpose of ascertaining and verifying the amount of fringe benefit contributions, dues checkoffs, and PAC contributions due plaintiffs, if any, for the period May 4, 2004 to the present; and it is further

ORDERED that service of this Order and supporting papers herein, by certified mail, ✓ return receipt requested, upon the defendants on or before ^{February 11}, 2008 shall be deemed good and ✓ sufficient service; answering papers are due ^{February 22}, 2008; reply papers are due ^{February 27}, 2008; courtesy copies shall be delivered to chambers on the same day they are filed.

Dated: New York, New York

February 4, 2008


Hon. Denise L. Cote, U.S.D.J.